United Nations A/HRC/30/NGO/92

General Assembly

Distr.: General
7 September 2015

English only

Human Rights Council
Thirtieth session
Agenda item 4
Human rights situations that require the Council's attention

Joint written statement* submitted by the Shimin Gaikou Centre (Citizens' Diplomatic Centre for the Rights of Indigenous Peoples), International Movement Against All Forms of Discrimination and Racism (IMADR), non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15131(E)

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Human Rights Violations in Okinawa, Japan*

1.The biggest problem in Ryukyu/Okinawa right now is the construction of a new military base in Henoko, Nago City. The Ryukyuan/Okinawan people, which is internationally recognized as an indigenous people[1], has democratically expressed their strong opposition by electing politicians who are against the new base construction on local, prefectural and national levels as well as conducting sit-in protests in Henoko.

2. Okinawa, situated between Japan and China, was once an internationally recognized independent state known as the Ryukyu Kingdom. This is clearly shown by the Treaty of Amity between the Ryukyu Kingdom and the United States, signed in 1854. However, in 1879, the Ryukyu Kingdom was annexed by the Government of Japan through military force in violation of international law (violating Article 51 of the Vienna Convention on the Law of Treaties, Article 1 of the International Covenants on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR), and Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)), renamed "Okinawa Prefecture," and came under Japanese colonial rule. Since then, "Japanization" has been forced upon Okinawa, destroying its unique culture, society and languages.

3.At the end of World War II, the United States launched a massive offense on Okinawa. It later began ruling Okinawa islands directly, abusing the Ryukyuan/Okinawan people's human rights, including the right to self-determination. The US pillaged their property and land in order to construct huge military bases in violation of the Laws and Customs of War on Land (Hague IV). This violation of the Ryukyuan/Okinawan people's rights to property and land remains unsolved even now, 70 years after the end of World War II. The United States military government denied the Ryukyuan/Okinawan people the right to freely form their own political systems (as set forth in Article 1 of the ICCPR). Furthermore, they constructed and enjoyed unrestricted use of military bases in complete disregard for the collective rights of the Ryukyuan/Okinawan to its land, territory, and resources (violating Articles 25-28, 30, and 32 of the UNDRIP).

4. Although Okinawa was returned to Japan in 1972, the Japanese and the US governments have continued to impose a heavy burden of US military bases on Okinawa. Currently, Okinawa Prefecture, which makes up only 0.6% of Japan's total lands area, contains 74% of military facilities in Japan designated for use exclusively by the US military. In 2006, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance Doudou Diène analyzed that this is the result of discriminatory policies violating international law by both the Japanese and US governments[2]. The overwhelming presence of US military bases has caused a series of human rights violations, such as the violations of the right to life, violence against girls and women, and violations of rights to health, land and the environment. The governments of both Japan and the United States are clearly violating the rights of the Ryukyuan/Okinawan people to the "lands, territories and resources which they have traditionally owned" (violating Articles 25-27 of the UNDRIP).

5. Currently the Japanese government, together with the US government, is preparing to build another immense military base in Oura Bay off the coast of the Henoko. The construction has caused serious human rights violations against the Ryukyuan/Okinawan people. We desire an immediate improvement in the situation regarding the three most serious human rights violations described below.

(1)Violations of Environmental Rights

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[1] United Nations Committee on the Elimination of Racial Discrimination (2014), CERD/C/JPN/CO/7-9 last accessed on 31 August 2015 at:
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fCO%2f7-9&Lang=en

[2] United Nations (2006), E/CN.4/2006/16/Add.2, last accessed on 31 August 2015 at: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/103/96/PDF/G0610396.pdf?OpenElement

The fertile waters of Oura Bay are surrounded by villages of farmers and fishermen. These waters, traditionally commonly owned and utilized, have been a source of life for generations of villagers. These are also the northernmost waters in which the dugong, a sea mammal considered the protective guardian of the Ryukyuan/Okinawan islands, resides. Thus, this sea holds great spiritual significance. It is also extremely rich in biodiversity, and even more species of coral have been found in the reefs here than in the Great Barrier Reef (refer to Article 8 of the Convention on Biological Diversity).

Japanese law requires authorization from the governor of Okinawa in order to reclaim land off the coast of Henoko in the adjacent Oura Bay to facilitate construction of a new military base. Prior to the governor's authorization, Japan's Ministry of Defense, which will be in charge of construction, was required to complete an environmental assessment. However, the environmental assessment conducted by the Ministry of Defense only nominally allowed the participation of the area's residents, and its contents are fundamentally flawed.

The most serious problems occurring at the site of the new military base construction in Henoko is the sinking of huge concrete blocks ranging from 20 to 45 tons into the bay. Although the blocks seriously damaged the coral on the ocean floor, which forms the foundation of one of the most biodiverse areas on earth, their use was not included in the assessment.

Secondly, the assessment did not take into account the deployment of the new MV-22 Osprey aircraft, and thus did not make any assessment of the noise pollution that will be caused by the Osprey.

Thirdly, the assessment of the dugong's habitat was inadequate. The current chaotic situation, in which many huge concrete blocks have been sunk to the ocean floor in order to anchor rings of floats around the restricted area, and more than a dozen coast guard patrol boats chase protesters in kayaks at high speeds while screaming through loudspeakers, was not anticipated at the time of the assessment.

Furthermore, in order to construct the new Henoko base, it will be necessary to acquire huge amounts of sand and soil in order to reclaim land along the coastline. The excavation of sand and soil in order to reclaim land has a drastic impact not only on the vegetation and geology, but also on the rivers near the area of excavation. These concerns were not included in the assessment.

Furthermore, excavation of soil and sand along the coastline and from the ocean floor, along with the reclamation of land achieved by dumping massive quantities of soil and sand into the ocean, will undoubtedly cause dramatic changes to the ocean tides around Okinawa's many islands (see Article 28 of the UNDRIP).

(2) Infringement of the right to free expression, peaceful assembly and association

The Ryukyuan/Okinawan people has showed clear opposition to the base construction through various elections and protests on land and sea. There have been a number of reports of violence and force used against citizens by Japanese police and US military employees. In February 2015, the US military ordered a security guard to arrest the leader of the protest movement against the new base construction, participating directly in the protest leader's unjustified detainment and arrest. Japan's police and coast guard have been violating citizens' freedom of peaceful assembly by taking video footage of protesters and journalists, looking up their names, and threatening them by name in order to suppress their actions. Furthermore, at sea, the Japan Coast Guard has used violence to forcefully remove protesters, cameramen, and journalists in kayaks and small motor boats by violently detaining them, forcefully moving them, purposely colliding with their boats, and even overturning their boats (violating Articles 19, 21, and 22 of the ICCPR). Freedom of expression and the right to peaceful assembly have been violated in Okinawa (violating Articles 19, 21, and 22 of the ICCPR).

(3) Violation of the right to self-determination

In light of the historic background, it is obvious that the Ryukyuan/Okinawan people is an indigenous people who possesses the right to self-determination. The US military bases in Okinawa were constructed in violation of the human rights of the Ryukyuan/Okinawan people, including its right to self-determination.

The governments of the United States and Japan agreed to build the new base in Henoko as an alternative military facility to the US Marine Corps Air Station Futenma, which has been called "the most dangerous base in the world,"

which will then be closed. However, the will of the Ryukyuan/Okinawan people was not considered in the decision-making process.

After the relocation plan was revealed, the Ryukyuan/Okinawan people has expressed their clear opposition to this agreement between the United States and Japanese governments through series of elections at the local, prefectural, and national levels. Last year, candidates opposing the construction of the new base in the Henoko district of Nago have won in the election for the governor of Okinawa and representatives to the lower house of the Japanese Diet.

However, the voice of the Ryukyuan/Okinawan people has been entirely ignored by the both the Japanese and US governments. The construction of a new air base will constitute further violation of these rights, and will ensure that this violation of rights becomes permanent. Such injustice cannot be accepted, and we therefore request that the Japanese and the US governments immediately abandon the current construction plan.

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*All Okinawa Council, NGO without consultative status, also shares the views expressed in this statement.